

Index File:

UP-649-04
Gary D. Staples
109 Link Road (Route 620)
Assessor's Parcel No. 30-1-7

This application requests a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling

Attachments:

1. Planning Commission memorandum
2. Zoning map
3. Survey plat
4. Floor plan of proposed apartment
5. Planning Commission resolution

COUNTY OF YORK

MEMORANDUM

DATE: September 30, 2004 (PC Mtg. 10/13/04)

TO: York County Planning Commission

FROM: Earl W. Anderson, Planner

SUBJECT: Application No. UP-649-04, Gary D. Staples

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 1.016-acre parcel located at 109 Link Road (Route 620) and further identified as Assessor's Parcel No. 30-1-7. The accessory apartment is to be located in a proposed two-story detached accessory garage.

DESCRIPTION

- Property Owner: Gary D. and Glenda J. Staples
- Location: 109 Link Road (Route 620)
- Area: 1.016 acre
- Frontage: 100 feet on Link Road
- Utilities: Public water and public sewer
- Topography: Flat
- 2015 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR - Rural Residential
- Existing Development: Single-family detached home under construction
- Surrounding Development:

North: Single-family detached residential structure

East: Two Single-family detached residential structures across Link Road

South: Single-family detached residential structure currently under construction

West: Common area for Lakes at Dare Subdivision with wetlands

- Proposed Development: Proposed detached garage with accessory apartment in conjunction with a single-family detached dwelling

CONSIDERATIONS/CONCLUSIONS

1. Accessory apartments in detached structures are permitted in the RR district with a Special Use Permit, provided the floor area of the accessory apartment does not exceed 800 square feet, or 35% of the floor area of the principal dwelling, whichever is less. The principal dwelling on the property contains 3,704 square feet of floor area. The proposed accessory apartment would be located on the second floor of a to be constructed 1,604-square foot two-story detached garage. The applicant has indicated the apartment would be used for an office. The proposed accessory apartment would contain approximately 704 square feet of habitable floor area, or approximately 19% of the principal dwelling, and would include a kitchen, living area, bedroom, and bathroom (see attached sketch plan).
2. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking, require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included as conditions in the approving resolution.
3. The property falls under the Environmental Management Area (EMA) overlay district. The western portion of the lot contains isolated non-tidal wetlands as delineated by the Army Corps of Engineers. Any proposed development in these areas will require compliance with all requirements set forth within Section 24.1-372 of the Zoning Ordinance.
4. Property within the subdivision is not subject to homeowners' covenants nor does it fall under the jurisdiction of an established homeowners' association. Regardless of any covenants that may be deeded, the County must evaluate the accessory apartment use within the context of the Zoning Ordinance and its standards. The County cannot be a party to the enforcement of private covenants and the approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance with any such covenants.

RECOMMENDATION

Given the above-noted standards, staff is of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval through the adoption of proposed Resolution No. PC04-28.

Attachments

- Zoning Map
- Survey Plat
- Floor plan of proposed apartment
- Proposed Resolution No. PC04-28

EWA

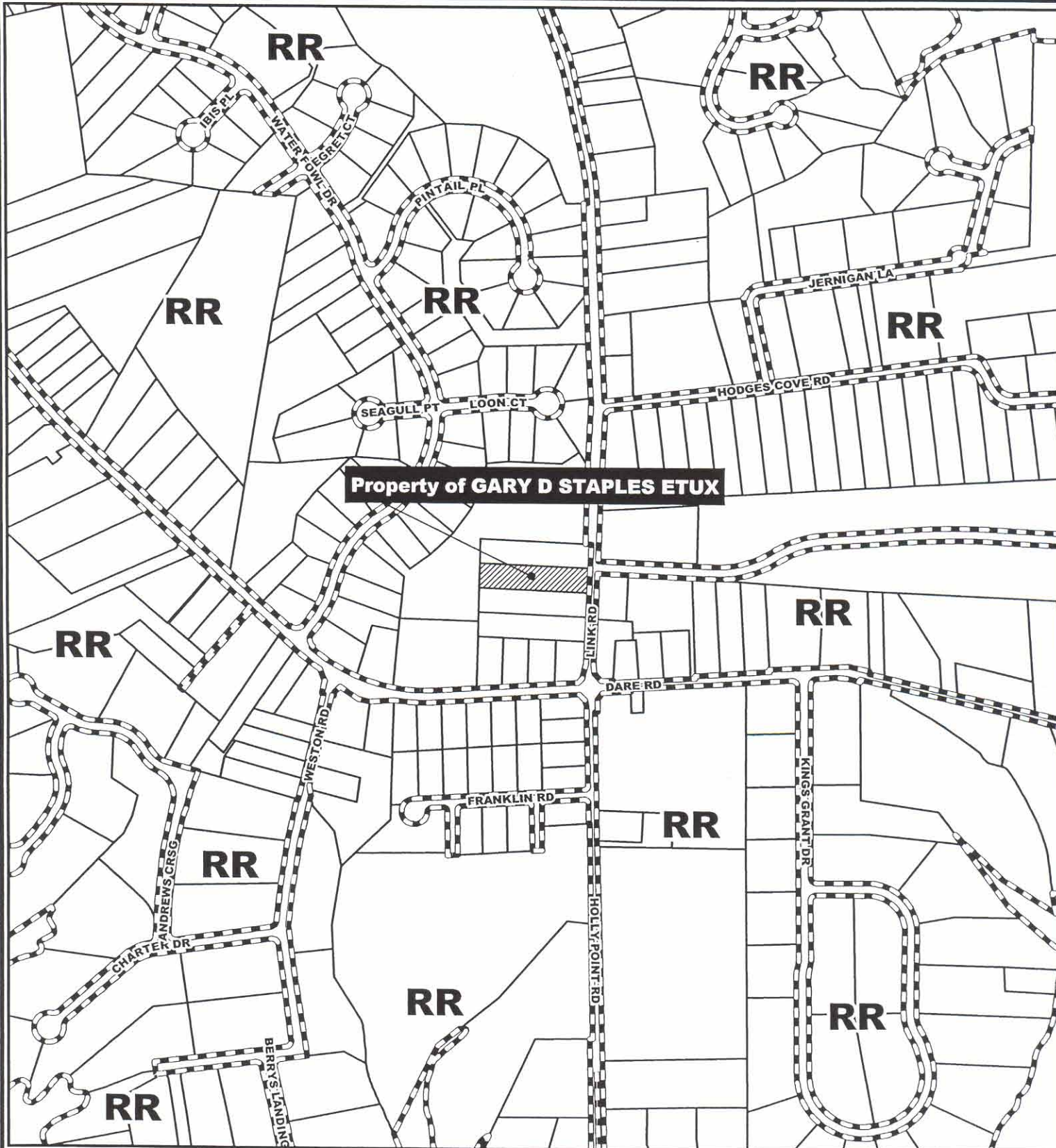
APPLICANT

Gary D. Staples

To authorize an accessory apartment to be located
on the second floor of a proposed detached garage
109 LINK RD

ZONING MAP

APPLICATION NUMBER: UP-649-04



* = Conditional Zoning

0 275 550 1,100 Feet

Printed on September 22, 2004



LIBRARY TILE NUMBER:

Lr015

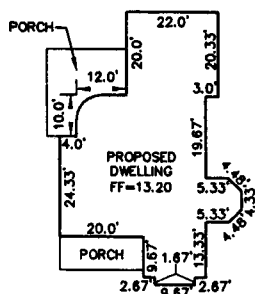
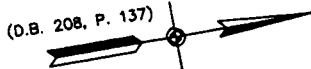
SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

This is to certify that I, on NOV. 6, 2002, surveyed the property shown on this plat. And that the title lines and the walls of the buildings are as shown on this plat.
The buildings stand strictly within the title lines and there are no encroachments of other buildings on the property, except as shown.

Signed: [Signature]

NOW OR FORMERLY
C.E. WORNOM



INSET

SCALE: 1" = 30'



NOTE:
THIS PROPERTY LIES IN ZONE X AS SHOWN
ON FLOOD INSURANCE RATE MAP FOR THE
COUNTY OF YORK, VIRGINIA, COMM. NO.
510182 0037 B, DATED DECEMBER 18, 1988.

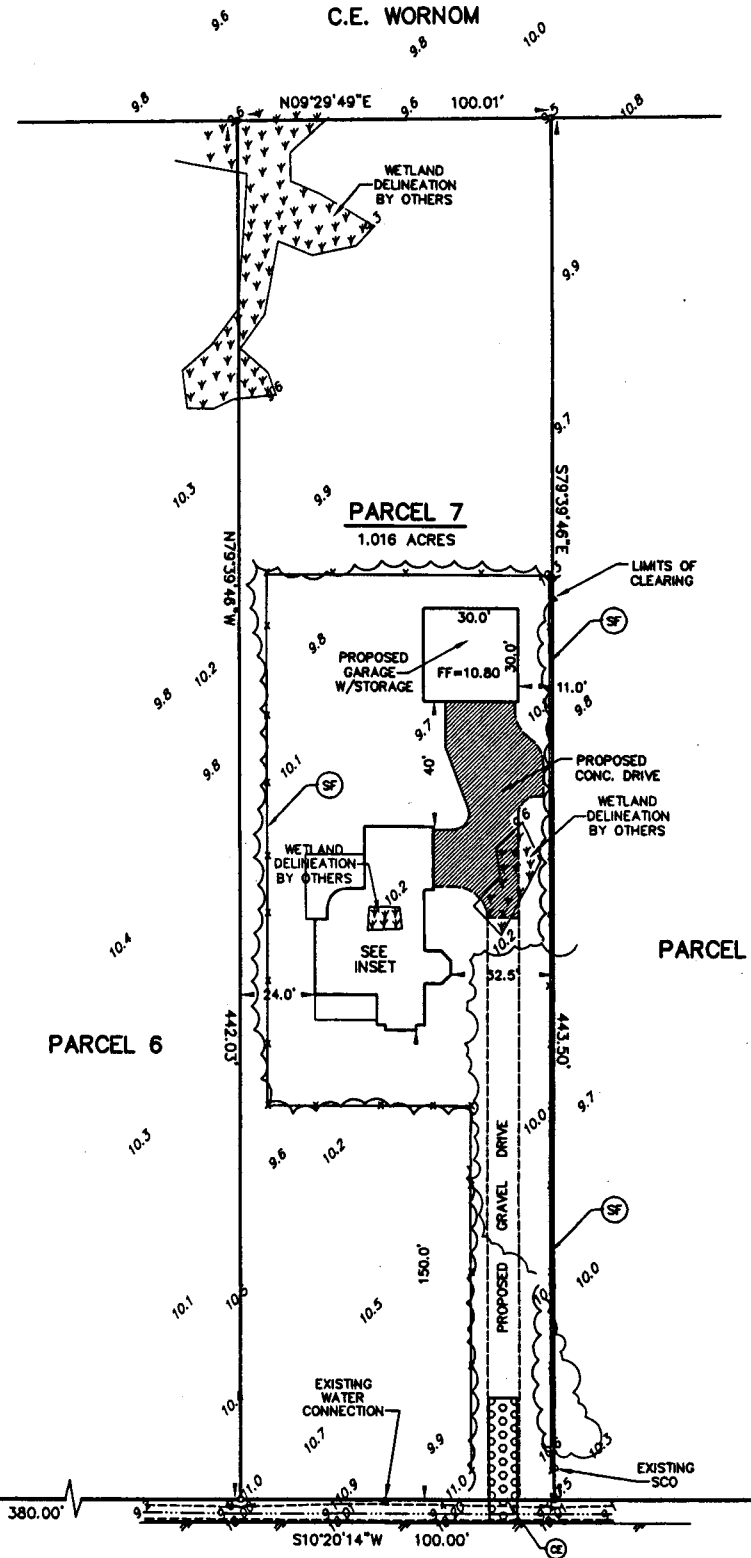
IT SHALL BE THE RESPONSIBILITY OF THE
CLIENT/BUILDER TO VERIFY THAT THESE SITE
PLAN DIMENSIONS ARE IN AGREEMENT WITH
THE BUILDING PLANS PRIOR TO ANY CON-
STRUCTION.

DARE ROAD
(30' R/W)

PARCEL 6

PARCEL 7
1.016 ACRES

PARCEL 8



SITE PLAN
OF

PARCEL 7, SUBDIVISION OF PROPERTY OF
SUZANNE Y. MONTAGUE

FOR (D.B. 208, P. 137)

GARY STAPLES AND GLENDA STAPLES

GRAFTON DISTRICT - COUNTY OF YORK, VIRGINIA

SCALE: 1" = 40' NOVEMBER 6, 2002

THE SIRINE GROUP, LTD.

SURVEYORS • ENGINEERS • PLANNERS
GLOUCESTER, VIRGINIA

LINK ROAD
(30' R/W)

RECEIVED

SEP 1 2004

PLANNING DIVISION
COUNTY OF YORK

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2004:

Present

Vote

Andrew A. Simasek, Chair
Alfred E. Ptasznik, Jr., Vice Chair
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
John R. Davis
Frederick W. Harvell

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY
APARTMENT AT 109 LINK ROAD.

WHEREAS, Gary D. Staples has submitted Application No. UP-649-04 to request a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located at 109 Link Road and further identified as Assessor's Parcel No. 30-1-7; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2004, that Application No. UP-649-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to allow a detached accessory apartment in conjunction with a single-family detached dwelling to be contained within a proposed two-story garage on property located at 109 Link Road and identified as Assessor's Parcel No. 30-1-7, subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained on the second floor of a proposed two-story detached garage on property located at 109 Link Road and further identified as Assessor's Parcel No. 30-1-7.
2. The apartment shall be contained within the existing structure located at the northwest corner of the subject property as indicated on the plat submitted by the applicant titled "Site Plan of Parcel 7, Subdivision of Property of Suzanne Y. Montague for Gary Staples and Glenda Staples," dated November 6, 2002, prepared by The Sirine Group, Ltd. and received by the Planning Division on September 1, 2004. Building plans in substantial conformance with the floor plans submitted by the applicant and received by the Planning Division on September 1, 2004 shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 704 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. Any development on the lot shall be in compliance with Section 24.1-372 of the County Zoning Ordinance.

9. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.
10. Issuance of this Special Use Permit does not supersede any legally recorded restrictive covenants that may apply to the subject property, nor does it relieve the applicant and/or property owner of any obligation to secure approvals that may be required by a homeowners' association in accordance with said covenants.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.